May 25, 2007

Mr. Matt Rota
Gulf Restoration Network
P.O. Box 2245
New Orleans, Louisiana 70176

Dear Mr. Rota:

The Louisiana Department of Environmental Quality (LDEQ) acknowledges receipt of your comments concerning the draft TMDL for Bayou Grosse Tete and tributaries (Subsegment 120104). Our responses are provided below, following the format of your comment letter.

1. GRN appreciates the improvements that the Louisiana Department of Environmental Quality (LDEQ) has made regarding the Public Notice process.

Due to a request submitted by GRN to Ms. Alicia Walsh at LDEQ revised and reissued the electronic public notice for this TMDL. The changes included the actual web page where the TMDL can be found, an index on top of that web page enabling the public to more easily find the TMDLs currently up for public notice, and a link to the TMDL program from the home page. We would like to thank Ms. Walsh for respectfully listening to our comments and quickly responding to our requests. While overall navigation of LDEQ's website could still be improved, especially the search function, the improvements spearheaded by Ms. Walsh certainly assist the public notice system for TMDLs produced by LDEQ.

RESPONSE: Thank you.

2. Point-source reductions should be included in the final TMDL.

While we acknowledge that a large portion of the biochemical oxygen-demanding substances in subsegment 120104 are from non-point sources, we feel that reductions should also be made in point-sources. It is important for the state of Louisiana to demonstrate that it is actively attempting to reduce nutrient pollution at all levels. Therefore, even though the reductions in nutrients coming out of point-sources in the subsegment might be small compared to non-point, it is important because it is an action that is relatively immediate and enforceable. Since all non-point reductions will happen on a voluntary basis and with funds not necessarily readily available, we feel that point-source reduction is a vital part to the TMDL process.

RESPONSE: Point source reductions for discharges from sewage treatment facilities have already been implemented statewide by "state policy" and "areawide policy" point source permit limitations. In place of the nationally required secondary treatment, Louisiana requires advanced secondary treatment for facilities discharging 25K to 50K gpd and advanced treatment for facilities discharging greater than 50K gpd. More stringent limitations are assigned as needed by the TMDL process. It is sometimes the case that nonpoint loading dominates the water quality of a stream with point sources having no significant impact. LDEQ does not arbitrarily assign more stringent limitations to facilities that do not significantly impact water quality.

3. This TMDL does not include all water bodies listed on the Public Notice.

The pubic notice states that "this TMDL includes Bayous Portage and Fordoche and several wastewater discharges in the watershed." However, point-source discharges that empty into these bayous are not included in the TMDL model. Five point sources (Delta Place Subdivision STP, Pointe Coupee Sewer District #4, Village of Morganza STP, Pointe Coupee Central High School, and LaBarre Elementary) listed on Tables 2, 5 and 7 are not included, with comments stating "this facility's discharge enters Bayou Portage and was not included in the model because these facilities." If this is indeed a TMDL for the entire subsegment, including Bayous Portage and Fordoche, these point-sources (some apparently quite significant) must be included in the TMDL.

RESPONSE: The TMDL incorporates all sources within the watershed either as direct or residual impacts to the modeled stream. While some perennial tributaries may be modeled on occasion, normal procedure is to sample the tributary near the lower end before it enters the main stem water body, and enter the loading in the model as a wasteload. This sample captures any residual impact in the water column from upstream dischargers along with nonpoint source impacts. It is not possible to differentiate between the sources causing this load. The resulting TMDL includes all residual and direct impacts to the named water body being modeled from its surrounding watershed. Considerable effort is made to determine whether a remote point source should be incorporated directly into a model, modeled separately, or determined to be too small and/or too far away to have a significant impact on a modeled waterbody.

Bayous Fordoche and Portage are considered to be tributaries to Bayou Grosse Tete, rather than significant watersheds in their own right. Bayou Fordoche becomes intermittent for much of the summer critical season. There are no facilities discharging to Bayou Fordoche.

Bayou Portage is used primarily to drain agricultural land with some urban land surrounding New Roads, Louisiana. All facilities discharging to Bayou Portage were deemed too small and too far away to impact Bayou Gross Tete to be included in the model. As previously stated, any residual loading from these facilities is accounted for by the sample obtained at the mouth of Bayou Portage. These facilities, along with any other loading obtained from the tributary are included in the TMDL as nonpoint source loading. Including the facilities individually in the TMDL would mean the facility loadings were included in the TMDL calculations in two places.

4. Total Maximum Daily Loads should be calculated using daily maximums, not with average monthly limits.

Based on Table 7 in draft TMDL, it appears that average monthly limits on pointsources were used to develop this TMDL. We respectfully submit that if LDEQ is to develop an actual load that is maximum and daily, the daily maximums from the point-sources must be used. If a TMDL is truly to be Daily and Maximum, logic dictates that the developing agency must use daily and maximum values to calculate these loads.

RESPONSE: DO is a non-conservative pollutant. It is constantly changing in a stream due to time of day, location, stream flow or lack thereof, addition and withdrawal of flow, temperature, wind, algae, fish and other living organisms, etc. The Louisiana criteria for DO allows for the changing nature of this constituent. The LDEQ applies the long-term average condition for the pollutant loads to established critical conditions for the waterbody and reports this ultraconservative combination as the TMDL.

Nearly all water quality modeling is done using steady state water quality models which, by definition, project a long term average output from long term average point and nonpoint source inputs. Reporting daily maximum TMDLs would require the conversion of a long term average load from a water quality model to a daily maximum load. The point source allocations could be scaled to a daily max by the protocol that is used in Permits, but we know of no way to get a daily maximum nonpoint load allocation from a long term average allocation. TMDLs being developed today are the maximum "daily average load" that the waterbody can accommodate without causing a violation of water quality criteria under defined critical conditions.

5. Antidegradation must be an integral part of the TMDL and 303(d) process.

This TMDL only makes a cursory reference to antidegradation, stating "LDEQ has developed this TMDL to be consistent with the state antidegradation policy."
Simply stating where that LDEQ has an antidegradation policy does not make it part of the TMDL development process. Descriptions of how this policy has been used to develop and augment the TMDL (e.g. how it will be used to be sure more point sources do not further degrade the subsegment) need to be part of each and every TMDL plan.

The short shrift that antidegradation receives from each of these TMDLs goes against the spirit and letter of the Clean Water Act. In fact, the drafters of the Act thought that antidegradation was an integral part of the 303(d) process. Through the Act, and thus TMDLs, the health of all waters must be protected and maintained.

RESPONSE: The TMDL projects we have performed so far are aimed at priority impaired waterbodies (303d list). The TMDL establishes the conditions needed to improve water quality to insure that the water quality standard will be met even under critical conditions. These waters need to be improved not just prevented from degrading any further. We believe that establishing a TMDL for an impaired waterbody is the maximum effort that can be made in support of antidegradation.

6. Implementation strategies must be more explicit.

The implementation strategies are not adequate to ensure the health of our impaired waters. As stated above, point-sources should be included, and for each permit, the current limit, the new limit, and the renewal date should be stated. This ensures that the public will know where significant improvements in point sources will be occurring, and when.

As far as non-point reduction, the implementation strategies are quite lacking as well. In the Conclusions section of the TMDL, practically nothing is stated about implementation—the conclusion is dominated by monitoring strategies. While monitoring is vital in assessing watershed health, methods for improving water quality are necessary in order for this TMDL to be effective.

RESPONSE: Implementation plans are not required as part of the TMDL. LDEQ develops implementation plans through the Nonpoint Source Program on a schedule that follows the TMDL development schedule. These watershed implementation plans provide the details concerning the land use in the watershed, the types of BMPs that can be utilized to reduce pollutant loading from those land uses, and the various programs available to assist in the implementation of the nonpoint source controls.

LDEQ appreciates your comments and interest in the State's water quality.

Sincerely,

Emelise Cormier
Senior Environmental Scientist
Water Quality Assessment Division

Cc: Golam Mustafa, U.S. EPA
Alicia Walsh, LDEQ